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records of the Tulsa Police Department.

On August 18, 2008, Plaintiffs filed a Petition to Unseal Records with the District Court pursuant to Okla. Stat. tit. 22, §19(L), requesting the District Court to reverse its previous expungement order and unseal the criminal records for Plaintiffs' use in this matter. The Plaintiffs asked for the right to subpoena and require the production of any documents in the possession of the investigating officer and/or the Tulsa Police Department.

Under Okla. Stat. tit. 22, §19(L), the issue before the District Court was whether "there has been a change in conditions, or whether there is a compelling reason to unseal the records." At a November 3, 2008 hearing, Judge Kellough of the Tulsa County District Court, denied Plaintiffs' Petition and ordered all records to remain expunged and under seal. The District Court essentially held that Plaintiffs' request to unseal the expunged records for use in this case was not a "compelling reason to unseal the records." Id.

This Court finds no authority under the applicable statute and case law to reverse the District Court's decision and direct the Tulsa Police Department and its investigating officer to disclose or divulge information the District Court has ordered to remain expunged and sealed. However, even if the Court had such authority, it would not disturb the District Court's Order because there is ample support in the record to confirm the District Court's assessment of the case. Further, as noted in the Order and Opinion issued by the Magistrate Judge, the reasons proffered by Plaintiffs for the discovery of expunged and sealed records are of dubious relevance and admissibility.

Therefore, upon full consideration of the entire record and the issues presented herein, the Court finds and orders that the Opinion and Order entered by the United States Magistrate Judge on January 13, 2009, is hereby vacated and Defendants' motions to quash and motions for protective orders are granted. Plaintiffs are ordered to file Responses to the Defendant's Motions for

Summary Judgment by February 20, 2009. Defendant shall file Replies by March 6, 2009. The jury trial set for February 17, 2009 is hereby stricken.

IT IS SO ORDERED this 4th day of February, 2009.



James H. Payne
United States District Judge
Northern District of Oklahoma